

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT JUL - 7 2008  
FOR THE EASTERN DISTRICT OF TEXAS DAVID J. MALAND, CLERK  
SHERMAN DIVISION BY  
DEPUTY \_\_\_\_\_

UNITED STATES OF AMERICA §  
§  
§  
v. § CASE NO. 4:07CR11  
§  
§  
JUSTIN C. FALLS §

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. The District Court has referred the matter to this Court for a report and recommendation.

On December 15, 2005, the Defendant was sentenced by the Honorable Patricia Minaldi, United States District Judge, to time-served, followed by a three (3) year term of supervised release for the offense of Conspiracy to Possess with Intent to Distribute Methamphetamine. On December 15, 2005, Defendant began service of his supervised term. On January 22, 2007, this matter was transferred to the Eastern District of Texas and assigned to the Honorable Marcia A. Crone.

On February 26, 2007, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (Dkt. 2), alleging several violations of Defendant's conditions of supervised release. On March 28, 2007, Defendant appeared before this Court and was issued a judicial reprimand and an indefinite continuance as to the hearing on the violations of the conditions of supervised release. Since that hearing and reprimand, the U.S. Probation Office has kept the Court apprised of Defendant's compliance with his conditions of supervised release. And, on May 19, 2008, the Court received correspondence from the U.S. Probation Office, advising that Defendant

is in compliance with his conditions of supervised release and requesting that the Petition for Warrant or Summons for Offender on Supervision be withdrawn and that Defendant continue on supervised release under his current conditions of supervision.

Having reviewed the record and correspondence from the U.S. Probation Office, the Court finds that Defendant's supervised release should not be revoked at this time. Therefore, the Court recommends that the Petition for Warrant or Summons for Offender Under Supervision (Dkt. 2) be ordered WITHDRAWN and that Defendant continue on supervised release under his current conditions of supervision.

SIGNED this 1<sup>st</sup> day of July, 2008.

DON D. BUSH

UNITED STATES MAGISTRATE JUDGE